

REMARKS

This application has been carefully reviewed in view of the above Office Action. Reconsideration in view of the following is respectfully requested.

Regarding the objection to the drawings

Reference to element 640 has been inserted at page 10 where element 640 was described in the application as filed. Removal of the objection is therefore believed to be appropriate and such is requested.

The Wu Reference

As understood by Applicant after significant study, Wu describes a system in which a “matching Web page” associated with a selected television segment can be easily displayed without need to embed an Internet address within the content. The only examples of such a “matching Web page” that the undersigned could identify anywhere in Wu were given in Col. 6, lines 19-33, which states in relevant part:

“For example, the selected Web page may include advertising information or fill-in order forms targeted at a user fitting the interest profile of the particular client viewing a particular portion of video data on a particular channel during a particular time. As another example, the selected Web page may include personalized stock market information to be displayed by the system 12 (FIG. 1) in parallel with a portion of video data including stock market news.”

Wu's process is carried out by:

First:

- a television channel being viewed at the client site is identified;
- the time at the client site is determined.

This information uniquely identifies the segment of television programming being viewed.

Next:

- this information is compared with electronic program schedule information in order to identify the program segment by a "channel content ID" (Fig. 4);
- a user profile (Fig. 5 or 6) is used in conjunction with the channel content ID to map the channel content ID to at least one Web address (Fig. 6 or 7);
- this web address can then be used to link to a "matching Web page" in order to permit the user to access the page (see above for the only examples given of a matching Web page).

An overview of Wu's process can be gleaned from the Summary of the Invention. Further details are provided in several embodiments in Wu's specification and drawings.

Thus, Wu accomplishes his stated objective of "providing a method and apparatus automatically accessing and displaying a predetermined Web page associated with a selected television programming segment." (e.g., see col. 2, lines 11-16.) Wu does not contain any suggestion that such a Web page could be a customized EPG used as a startup page.

Applicant's invention

Applicant's invention, in an illustrative embodiment, seeks to provide a customized user startup page for an electronic programming guide. This is desirable in view of the large number of programs available to a subscriber in a modern television subscription such as a cable television system. In one embodiment, this is accomplished by:

- having a television set-top box associated with a user send a request to a service provider;
- the service provider then finds a user profile corresponding to the user in a user database; this profile can contain the user's location, viewing preferences, etc.;
- a link to content is generated based upon the user profile which can, for example, provide information relating to the user's viewing preferences; and

- the startup page is generated using the link to content identified by the user's profile; this startup page can be provided at startup in order to quickly access the user's preferred content most efficiently.

In this manner, the user is provided with an EPG page that is likely to identify the content most desired by the user from the massive amounts of content available.

Regarding the rejections under 35 U.S.C. §102

Claims 1-5, 9-14 and 19 were rejected under 35 U.S.C. §102 as anticipated by Wu et al. (Wu – U.S. Patent No. 6,326,982).

From the above summaries, it can be seen that there is little if any functional relationship between Wu and embodiments of the present invention. Wu serves a completely different purpose in a completely different manner than Applicant's invention. A close examination of Wu also reveals that although several similar steps, acts or elements appear in Wu, those steps, acts and elements are interrelated in a different way in order to carry out a completely different function.

Regarding claim 1, the Office Action asserts that *"Wu discloses receiving a request for the startup page (See Column 10, Lines 1-5 for sending user ID, time and channel parameters in order to receive a startup web page (see Column 2, Lines 20-22)) from a set-top box associated with a user (see Column 4, Lines 40-43))."* Applicant respectfully disagrees as follows:

- At Col. 10, Lines 1-5, a user ID and a time parameter and a selected channel are received by the server. This, however, has nothing to do with a startup page as claimed. It is only related to identifying a segment of programming at the particular client site. If one follows the functional path of the flow chart of Fig. 9, it is readily seen that this information is used at steps 240 and 242 to identify a "matching Web page" associated with the current programming as described above.
- Col. 2, Lines 20-22 forms a part of the objective of Wu's invention spanning lines 19-26. A full, in-context reading of these lines indicates that Wu simply wishes to

associate a Web page with a currently playing segment of content without need to encode an Internet address within the programming.

The Office Action further states at page 4 that *"since the web page displayed along with the television program corresponds to the actual television content. then the web page itself is a "link to content" (see Column 8, Lines 10-13 ...)."* The undersigned fails to follow this logic, but notes that claim 1 requires that the startup page at least include a link to content, where such content was identified using the user's profile. The undersigned finds no suggestion of either a startup Hub page or it's potential content in Wu.

As best the undersigned can determine, Wu's disclosure has nothing to do with generating a startup Hub page consistent with Applicant's disclosure and claims. In order to establish a *prima facie* case of anticipation, it is the Examiner's burden to establish that a single reference teaches each and every claim element arranged as in the claim, as interpreted by one of ordinary skill in the art. In the present case, the Office Action fails to meet this burden since (at least):

1. The Wu reference fails to teach each element of the claims (there is no teaching or suggestion of a startup Hub page, or request for same, containing links to content derived from a user profile);
2. The Wu reference's elements that happen to match the claim elements are not arranged as required by the claims; and thus
3. One of ordinary skill in the art would not be placed in possession of the claimed invention by Wu.
4. Additionally, Wu fails to recognize the problem or provide any solution to it, much less the solution provided by Applicant.

Accordingly, it is submitted that Wu fails to provide any teaching adequate to anticipate claim 1. Reconsideration of claim 1 is respectfully requested.

Similar arguments are applicable to claims 2-5, 9-14 and 19. Accordingly, reconsideration and allowance of these claims are respectfully requested.

Regarding the rejections based on 35 U.S.C. §103

It is noted that the above shortcomings of the Wu reference are equally applicable to the present obviousness rejections. Accordingly, all of the above arguments are also applicable to all remaining rejections since Wu is used as the basis of each rejection.

Regarding the rejection to claims 6-8, 15 and 17-18, the Office Action states that Wu discloses “querying a database to obtain a matching web page based on a user profile”. However, Wu fails to do so in order to provide a link to content in a startup page as required in claims 1 and 11. To enhance the clarity of claim 11, claim 15 has been incorporated into claim 11 and claim 15 has been cancelled. Accordingly, reconsideration is requested.

It is further noted, in connection with all rejections based upon the combination of Wu and Mighdoll (U.S. patent No. 6,332,157) that the Office Action asserts that *“it would have been obvious to a person of ordinary skill in the art, to modify the database used to provide links to content, as taught by Wu, using a plurality of remote databases accessible over the Internet used to provide links to content, as taught by Mighdoll.”* Again, Applicant respectfully disagrees. The Wu reference, at col. 4, lines 20-21, describes his invention as incorporating *“a dedicated server 34 which is operative to provide Web/TV programming schedule mapping information.”* This server provides the only remote database activity describe in Wu. Wu’s description of the server 34 as being “dedicated” suggests that the server is in place for the sole purpose of servicing the types of requests taught by Wu, and in essence teaches away from any need to search additional sources on the Internet, contrary to the Office Action’s assertion. It is

further noted that the information supplied by server 34 of Wu is different than that used in Applicant's claims, as described above.

Additionally, it is noted that the Office Action fails to point out why one of ordinary skill in the art would have been motivated by the art to make the proposed combination. The Office Action merely alleges that the combination would be obvious "*for the purpose of updating a web page.*" In order to establish *prima facie* obviousness, there must be some motivation to one of ordinary skill in the art to make such a combination – the fact that the combination can be made is not enough. Moreover, in this case, even if the combination were made, the claim limitations would not be met for the reasons given above. Thus, since each and every claim limitation must be considered, the combination further fails to establish *prima facie* obviousness.

For the reasons stated above, Reconsideration and allowance of claims 6-8 are respectfully requested.

Regarding claims 16 and 20, each of the above statements regarding Wu are equally applicable since the shortcomings of Wu are not accounted for in the proposed combination. For example as discussed above, Wu does not in fact teach creation of a startup Hub page as taught and claimed, nor does Wu teach populating such a startup Hub page with links to content as taught and claimed.

Additionally, it is respectfully submitted that again the Office Action has failed to provide a line of reasoning as to why one of ordinary skill in the art would have been motivated by the art to make the proposed combination. The Office Action merely alleges that the combination would be obvious "*for the purpose of providing text, images, sound and video on-demand in a simple intuitive manner akin to traditional television programming for mass market consumers.*" In order to establish *prima facie* obviousness, there must be some motivation to one of ordinary skill in the art to make such a combination – the fact that the combination can be made is not enough. (see MPEP 2143.03) It is again noted that Wu merely provides a mechanism to link a

“matching Web page” associated with a selected television segment to the segment without need to transmit a link along with the television segment. The reason given above for making the combination would appear to be unrelated to Wu's objectives, and the manner for making the combination is unclear. Reconsideration and allowance of claims 16 and 20 are respectfully requested.

Regarding claim 21, each of the above arguments is applicable. A minor clarifying amendment has been made to claim 21 which does not affect the scope of the claim. Reconsideration and allowance are requested.

New claims 22-25 are submitted for the Examiner's consideration. These claims relate to particular Hub page themes and involve no new matter.

Regarding the use of the term “default”, the Examiner has apparently selected a dictionary.com definition for interpretation of the term. This definition is not wholly inappropriate, except that it assumes that the setting is assigned by an operating system, which may or may not be the case. The undersigned submits that another definition is found in Webster's II New College Dictionary, 1995 edition which defines “default” as “a setting or action assumed by a computer when none is specified by the user”. In this case, while a particular page or template may be specified by the user, the particulars of such a page or template may be established as a default. Either case can be considered to be a default.

The undersigned additionally notes that many other distinctions exist between the cited references and the invention as claimed. However, in view of the clear deficiencies in the art as pointed out above, further discussion of these deficiencies is believed to be unnecessary at this time; failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position.

No amendment made herein was related to the statutory requirements of

patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. In the event the Examiner believes that additional issues remain, the undersigned respectfully requests the courtesy of a telephone interview in order to clarify the issues prior to issuance of another Office Action. The undersigned can be reached at the telephone number below.

Respectfully submitted, _



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